

**WILLIAMSBURG CITY COUNCIL
MARCH 9, 2006
MINUTES**

The Williamsburg City Council held its regular monthly meeting on Thursday, March 9 2006, at 2:00 p.m., in the Council Chambers of the Stryker Building.

ATTENDANCE

Present were Ms. Zeidler, Messrs. Haulman, Chohany and Freiling. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist. Mr. Scruggs was late due to an emergency and arrived at 2:42 p.m.

Staff Attending: Assistant City Manager Miller, Economic Development Director DeWitt, and Department Heads Nester, Serra, Yost, and Hudson.

CALL TO ORDER

Mayor Zeidler called the meeting to order.

COUNCIL MINUTES

February 6 and 9, 2006, and Special Meetings of February 7 and 14, 2006

Mr. Freiling Moved that City Council Approve the Minutes of February 6 and 9, 2006, and Special Meetings of February 7 and 14, 2006. The Motion Was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Zeidler, Haulman, Chohany

No: None

MATTERS OF SPECIAL PRIVILEGE

Excellence in Service to Williamsburg Presented to Lori Rierson, Department of Parks and Recreation

Mayor Zeidler said that it was a pleasure to recognize Ms. Rierson because she was nominated by her peers. Ms. Rierson joined the Mayor at the podium. The Mayor read the recognition outlining the reasons for the award, and presented Ms. Rierson with the Excellence in Service to Williamsburg plaque.

Ms. Rierson thanked the Mayor and Council members for the award. When she first came to Williamsburg she thought she would be with the city for five years, and she is still here. Many strides have been made over the last 25 years; citizens should be proud. She thanked her fellow employees who help to make her job enjoyable.

PUBLIC HEARING

VAC #06-002: Request of Riverside Healthcare Association, Inc. to Vacate Wickre Street, An Unimproved 50 Foot Right-of-Way, *Proposed Ordinance #06-09*

Reference for this item was Mr. Nester's report dated March 9, 2006. On a Powerpoint map, Mr. Nester pointed out the proposed street vacation as requested by Riverside Healthcare Association. This is an unimproved 50 foot right-of-way approximately 1004 feet in length and parallels Route 60 East. The property on both sides of the street is

owned by Riverside with the exception of a small parcel about 35 feet in length. The application stated that the street vacation is requested as part of the process underway by the applicant to consolidate parcels in preparation for the development of Quarterpath at Williamsburg.

Staff is of the opinion that viewers need not be appointed in this case since the proposed vacation affects only property owned by Riverside. Staff recommended that City Council approve the proposed ordinance which will vacate the Wickre Street right-of-way. The city will sell the vacated right-of-way in the amount of \$19,540 (one-fourth of the value of the street--\$78,150).

Mr. Nester noted that representatives of the Riverside Healthcare Association were present.

Mayor Zeidler opened the public hearing.

No one wished to speak. The hearing was closed.

Mr. Freiling Moved That City Council Adopt Proposed Ordinance #06-09, An Ordinance Vacating Wickre Street. The Motion was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Zeidler, Haulman, Chohany

No: None (SEE ATTACHED ADOPTED ORDINANCE #06-09)

REPORTS

Financial Statement

The Monthly Financial Report was Received and Ordered Filed.

Monthly Departmental Operating Reports

The Monthly Departmental Reports were Received and Ordered Filed.

Planning Reports

PCR #05-026: Revisions of the Architectural Review Chapter text, *Proposed Ordinance #06-06*

PCR #05-027: Revisions of the Architectural Review Zoning maps, *Proposed Ordinance #06-05*

ARB #05-073: Revision of the Design Review Guidelines

City Council members discussed the revisions to the design Review Guidelines and zoning text amendment at the March 6 work session to reach a consensus.

Using a Powerpoint presentation, Ms. Murphy reviewed the decisions reflected in Council's discussion during the work session:

1. Mimosa Drive Lots: Remove the four Mimosa Drive lots from the AP-2 District.

2. South Henry Street AP-2 District: Change to Corridor Protection District between South Boundary Street and Mimosa Drive.

3. Counselor's Close: Remove Counselor's Close from the AP-2 District.
4. South Side of Route 199 at Jamestown Road: Leave Jamestown Road south of Route 199 in the CP District as proposed, but refer the issue of creation of a CP-2 District allowing the use of vinyl siding to the Architectural Review Board and Planning Commission for review and recommendation. This referral will require a vote by Council.
5. Also, the AP-2 District in the Guidelines was revised to reflect the changes to the siding materials as previously discussed by Council.

Staff Recommended that City Council approve Proposed Ordinance #06-05 (Architectural Review text revisions), and Proposed Ordinance #06-06 (revisions to the architectural review districts zoning map), and adopt the revised Design Review Guidelines.

The Mayor said that Council has studied this matter for many months and it has been discussed at several Council meetings.

Mr. Haulman addressed the issue of removing the four properties on Mimosa Drive out of the AP-2 District, the objective of recognizing their historical importance, and surveying them for future reference. Carl Lounsbury, an architectural historian at Colonial Williamsburg and William and Mary, would like this survey to be a course of study for students during the coming summer. The city is interested in being involved in this study.

Mr. Haulman said that Council may refer the creation of a Corridor Protection-2 District to the ARB and Planning Commission, and then it would come back to City Council for further discussion.

Mr. Chohany agreed, and suggested that the historical survey for the homes on Mimosa Drive be directed by Council to the City Manager. Mayor Zeidler noted that while the city can assist with the survey of the homes, the property owners must request this action.

Mr. Chohany Moved Approval of Proposed Ordinance #06-05, An Ordinance Amending Chapter 21, Zoning, by Revising Article IX, Architectural Review. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Freiling, Zeidler, Haulman, Chohany

No: None (SEE ATTACHED ADOPTED ORDINANCE #06-05)

Mr. Chohany Moved Approval of Proposed Ordinance #06-06, An Ordinance to Amend the Official Zoning Map, Architectural Review Districts, Sheet 2 of 3. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Freiling, Zeidler, Haulman, Chohany

No: None (SEE ATTACHED ADOPTED ORDINANCE #06-06)

Mr. Freiling Moved That City Council Adopt the revised Design Review Guidelines. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Freiling, Zeidler, Haulman, Chohany

No: None

Mr. Haulman Moved That City Council Refer the Question Regarding Creation of a CP-2 District to the Architectural Review Board and Planning Commission. The Motion Was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Haulman, Chohany

No: Freiling, Zeidler

The Motion Died.

City Manager Reports

Public Safety Grant Administration, *Proposed Resolutions #06-03 and #06-04*

Reference for this item was Mr. Tuttle's report dated February 21, 2006. Mr. Tuttle said that these resolutions are required in order to authorize the Chief to execute the grant documents.

Chief Yost said the first grant (\$20,000) was awarded by the Virginia Department of Emergency Management to assist in the security planning between federal and local agencies for the Jamestown 2007 Celebration. The second grant (\$26,872), awarded by the Department of Criminal Justice Services, will be used to purchase interoperable radio equipment.

Mr. Chohany Moved That City Council Adopt Proposed Resolutions #06-03 and #06-04, Designation of Applicant's Agent, Authorizing Chief Yost to Execute the Grant Documents Stated Above. The Motion Was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Zeidler, Haulman, Chohany

No: None (SEE ATTACHED ADOPTED RESOLUTIONS #06-03 and #06-04)

General Fund Budget Amendment, *Proposed Resolution #06-05*

Reference for this item was Mr. Tuttle's report dated March 2, 2006, which included the proposed resolution and letters of request. Mr. Tuttle said this is an amendment to the current year budget. The recommendation was that \$13,693 in sales tax revenue (above the original estimate) be given to the School Division, and the second recommendation was that the Williamsburg Area Transport (WAT) be given a supplemental appropriation of \$64,620 to assist with rising fuel costs, cuts in funding, and bus refurbishment. Mr. Tuttle recommended that Council appropriate the funds, but that the funds not be provided to WAT until the end of the fiscal year when their books are balanced and the actual deficit identified.

For Council's information, Mr. Tuttle recommended that City Council designate an additional \$106,562 for next year's CIP for construction contingency for the third high school. Council will receive this in next year's budget.

Mr. Freiling Moved That City Council Adopt Proposed Resolution #06-05 Amending the FY 2006 General Fund Budget, and Approving a Revision to the FY 2007 Sales Tax CIP Budget for Additional Third High School Construction Contingency. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Freiling, Zeidler, Haulman, Chohany

No: None

Professional Auditing Services for the city and Williamsburg Regional Library

Reference for this item was Mr. Tuttle's report dated March 2, 2006.

Mr. Serra reported that a Request for Proposals for professional auditing services for the city and library was issued in January. Of the five proposals received, three firms were interviewed. The Finance and Audit Committee voted to recommend retaining the firm of Robinson, Farmer, and Cox Associates for professional auditing services for fiscal years ending June 30, 2006 through 2008, with the option for two three-year extensions.

The Mayor confirmed that the Finance and Audit Committee unanimously agreed with this recommendation, especially because they understand and provide local government business as one of their core services. The library also concurs with this recommendation.

Mr. Freiling thanked Mr. Serra and the Committee for their work.

Mr. Chohany Moved That City Council Authorize Execution of a Three Year Contract with Robinson, Farmer and Cox Associates for Professional Auditing Services as Recommended by the Finance and Audit Committee in a Form Satisfactory to the City Attorney. The Motion Was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Zeidler, Haulman, Chohany

No: None

Economic Development Strategic Plan

Reference for this item was the final draft of the Economic Development Strategic Plan, authored by Michele DeWitt, Economic Development Manager for the city. Mr. Tuttle invited Ms. DeWitt to the podium. The Mayor thanked Ms. DeWitt for leading Council through this process and for developing this document that is intelligent and offers good direction for the city. She liked the way many voices were included in the review process. Council members appreciated this impressive piece of work.

Mr. Haulman said the city is land-locked, with new projects coming on line, and transitioning from tourism to a more service base; what does Ms. DeWitt see for the future?

Ms. DeWitt said that tourism and hospitality is, and will remain, a strong economic driver for the city. The city will look at opportunities to build upon that and enhance the quality that we have. We will look at the Capital Landing and Second Street/Penniman Road area as a HUD zone and for new market tax credit. Corporate office space is a possibility for new development and will help with BPOL taxes.

Mr. Haulman appreciated the team effort on the plan. Ms. DeWitt clarified that the State Code requires that Enterprise Zones be named Technology Zone when local government provides enterprise zone incentives. The city is eligible for new market tax credits in one census tract area of the city.

Ms. DeWitt said that an ED department budget has been discussed with Mr. Tuttle. He will recommend that funding and contingency be budgeted for the ED department. Ms. DeWitt said that the Economic Development Authority will continue with their sign replacement grant program. Staff and the EDA will work on technology zone incentives and report back to Council.

(Mr. Scruggs arrived)

Mr. Scruggs was pleased with the Strategic Plan and was impressed that the city has competition for its business, and thought that this is a good start for economic development.

Mr. Freiling applauded this plan and its execution. He thanked Mr. Tuttle for hiring Ms. DeWitt, and for Council's patience in developing the plan. He requested that Ms. DeWitt and Mr. Tuttle develop a process to providing feedback of successes and challenges to Council members. The EDA will be more productive for all of us.

Mr. Freiling Moved That City Council Adopt the Economic Development Strategic Plan. The Motion Was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

Williamsburg Redevelopment and Housing Authority Property Acquisition

Reference for this item was Mr. Tuttle's report dated March 2, 2006. Mr. Tuttle explained that the house located at 110 Harrison Avenue is available for purchase. The Authority would like assistance from the city to be able to convert this grandfathered two-unit rental property into a single unit, owner occupied house, in the West Williamsburg Heights neighborhood, which is threatened by excessive rentals. The Authority is asking the city for a loan not to exceed \$310,000 to purchase the home. An "owner Occupied Restriction" would be inserted in the deed when the home is resold.

Mr. Haulman said this is a unique opportunity, and thanked David Kranbuehl, the Holland family, and Rick Holland, the Executor of the property, for their efforts and for working with the city. He encouraged Council's approval.

Mr. Tuttle said that the city will recoup its money, in whole or in part, depending upon the final sale price of the property.

Mr. Scruggs clarified that this transaction does not have anything to do with getting students out of the neighborhood, but this might decrease the opportunity for multiple rentals in one house. The overall goal is to make sure that the single family home be used for what it was designed. This will help to provide a balance and equity in the neighborhood.

Mr. Haulman noted this has not been a student rental and said this is a neighborhood where the balance could tip. The College should address the important issue of student housing. Everybody has to work together to come up with a solution.

Mr. Freiling addressed the marketing of the home. He asked if the home sells at a profit after all expenses, was there a plan for the city to recoup a certain amount of interest on the loan. Mr. Tuttle said that if the value exceeds the costs involved, it would be up to the city and Housing Authority to decide what to do with the income. It would most likely go to serve Housing Authority purposes. Mr. Haulman said that it has been suggested that in the future this type of purchase be made with a line of credit.

Mr. Phillips clarified that other home purchases/rehabs have been done in this same way.

Mayor Zeidler noted that this is not a formal program, but an ongoing working relationship with the Housing Authority. The issues raised today need more discussion, but this is a good opportunity to make a difference in one house in one neighborhood.

Mr. Haulman Moved That City Council Adopt Resolution #06-06 to Authorize a Zero Interest Loan for up to Twelve Months to the WRHA not to Exceed \$310,000 for the Acquisition and Conversion of 110 Harrison Avenue to An Owner Occupied, Single Family Residence. The Motion Was Seconded by Mr. Chohany.

Mayor Zeidler thanked Mr. Kranbuehl and the Housing Authority for being instrumental in creating this type of housing opportunity.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None (SEE ATTACHED ADOPTED RESOLUTION #06-06)

Hampton Roads Partnership's The Year of Regional Citizenship

Reference for this item was Mr. Tuttle's report dated March 2, 2006. Mr. Tuttle explained that the Hampton Roads Partnership has requested that the city be part of the Year of Regional Citizenship, which will be the impetus for events, programs, and personal activities celebrating the distinctive virtues of Hampton Roads. These tie in with the 2007 Celebration. There is no cost involved with sponsorship.

Mr. Freiling Moved that City Council Support the Year of Regional Citizenship Initiative and Authorize the City manager to Submit the Statement of Support. The Motion was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Freiling, Scruggs, Zeidler, Haulman, Chohany

No: None

NEW BUSINESS

City Decals: Mayor Zeidler asked staff to look at discontinuing issuance of the city's window decals. The fee was dropped a few years ago, and many communities are doing away with them. The Finance Director and Commissioner of Revenue have been discussing this matter and will make a recommendation at a later date.

Property Owner Assistance Program: Mr. Freiling suggested staff look at programs in other communities that provide assistance to home owners for home improvements, such as the one in Newport News.

Comprehensive Plan: Mr. Nester said the draft Comp Plan is complete with the exception of the Chapter on infrastructure. Then the required public hearings must be held. Following completion of the Plan, the Zoning Ordinance will be revised, which will take about one year.

OPEN FORUM

Debbie Keene, 718 Jamestown Road, owner of a B&B, addressed Council regarding interest in expanding her four-room B&B. She was told two years ago that it would take about two years to complete the Comprehensive Plan. They were told that to increase the number of room rentals in a B&B would take a three word text change to Section 21-605(e) 2 of the Code. Many projects have been approved, and the Comp Plan is still not before Council. Jamestown 2007 is approaching and they would like to be able to expand. She asked for Council's help in expediting completion of the Comprehensive Plan.

Mayor Zeidler asked for public comment.

The meeting adjourned at 3:15 p.m.

Approved: April 13, 2006

Jeanne Zeidler, Mayor

Shelia Y. Crist
Clerk of Council